

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

In re:	§	Case No. 11-46399-705
	§	
LaToya L. Steward,	§	Chapter 7
	§	
Debtor.	§	[Related to Docket No. 292]

**ORDER STRIKING IN PART
THE NOTICE FILED BY CRITIQUE SERVICES L.L.C.**

On May 1, 2015, the Respondents posted the \$52,206.00 supersedeas bond that has been ordered to be posted by the Respondentss to secure the \$49,720.00 in sanctions imposed jointly and severally upon the Respondentss pursuant to the June 11, 2014 Judgment entered in this matter. It is the Court's understanding that the bond was funded in total by only one of the Respondents- Critique Services L.L.C. In the Notice of Posting of Cash Bond [Docket No. 292] filed by Critique Services L.L.C., Critique Services L.L.C. states "[a]lthough Critique Services, L.L.C. takes exception to the Court's ruling [in its April 24, 2015 Order Granting the Motion to Authorize the Posting of Cash Bond] that even if Critique Services, L.L.C. is successful on appeal, if Walton and Robinson are not, the bond is forfeited, Critique Services, L.L.C. will not pursue this issue at this time." This appears to be an improper backdoor challenge to the terms of the Order Granting the Motion for Authority to Post Cash Bond.

The Court was extremely clear in the Order Granting the Motion to Authorize the Posting of Cash Bond: a term of the posting of the bond is that the bond secure the joint and several liability of the Respondentss, regardless of who happens to fund the bond. While the Respondents were free to decide amongst themselves how they would fund the bond on their jointly and severally imposed sanctions, the Court would not permit their funding decision to place the Court at risk of being under-bonded, should the funding Respondent succeed on appeal while the non-funding Respondents fail.

Critique Services L.L.C. did not seek reconsideration of the Order Granting the Motion to Authorize the Posting of Cash Bond. It did not appeal the

Order Granting the Motion to Authorize the Posting of Cash Bond. Instead, it complied with the Order Granting the Motion for Authority to Post Cash Bond by rendering the bond proceeds to the Clerk of Court, then filing a Notice of Posting of the Bond, representing that the bond had been posted. Critique Services L.L.C. cannot simultaneously represent that it posted the bond, while also carving out a key term of the very bond it claims to have posted. The bond terms and the Order Granting the Motion for Authority to Post Cash Bond are not subject to the unilateral modification of Critique Services L.L.C. by declaration of the taking of an exception.

The Court **HOLDS** that by (i) rendering the cash proceeds of the bond and (ii) filing a Notice of Posting of Cash Bond, Critique Services L.L.C. has represented that it is complying with and agreeing to all the terms of the posting of bond as set forth in the Order Granting the Motion to Authorize the Posting of Cash Bond. Critique Services L.L.C. has preserved no issue related to whose obligations the bond secures. The bond secures the obligations of all Respondents. Accordingly, the Court **ORDERS** that the Notice of Posting of Cash Bond be **STRICKEN IN PART** as to the ineffective last paragraph.

DATED: May 1, 2015
St. Louis, Missouri 63102
mtc


CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

COPY MAILED TO:

Ross H. Briggs

Post Office Box 58628
St. Louis, MO 63158

James Clifton Robinson

Critique Services
3919 Washington Blvd.
St. Louis, MO 63108

Laurence D. Mass

230 S Bemiston Ave
Suite 1200
Clayton, MO 63105

Office of US Trustee

111 S Tenth St, Ste 6.353
St. Louis, MO 63102

Robert J. Blackwell

Blackwell and Associates (trustee)
P.O. Box 310
O'Fallon, MO 63366-0310

David A. Sosne

Summers Compton Wells LLC
8909 Ladue Rd.
St. Louis, MO 63124

Tom K. O'Loughlin

O'Loughlin, O'Loughlin et al.
1736 N. Kingshighway
Cape Girardeau, MO 63701

Kristin J Conwell

Conwell Law Firm LLC
PO Box 56550
St. Louis, MO 63156

Seth A Albin

Albin Law
7710 Carondelet Avenue
Suite 405
St. Louis, MO 63105

E. Rebecca Case

7733 Forsyth Blvd.
Suite 500
Saint Louis, MO 63105